

NO. 25133

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LISA CABALIS, Claimant-Appellant,

vs.

AIG HAWAII INSURANCE COMPANY, Respondent-Appellee.

APPEAL FROM THE THIRD CIRCUIT COURT
(S.P. NO. 02-1-0010)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Claimant-appellant Lisa Cabalis appeals from the April 29, 2002 order of the Circuit Court of the Third Circuit, the Honorable Riki May Amano presiding, granting in part and denying in part Cabalis' motion to confirm arbitration award and for attorneys' fees, costs, and post-judgment interest. On appeal, Cabalis' sole contention is that the circuit court erred in denying her attorneys' fees and costs for the underlying arbitration proceeding against respondent-appellee AIG Hawai'i Insurance Company (AIG), based on Hawai'i Revised Statutes (HRS) § 431:10-242 (1993).

Upon carefully reviewing the record and the briefs submitted and having given due consideration to the arguments advanced and the issues raised by the parties, we hold that the circuit court did not err in denying Cabalis attorneys' fees and

costs. Based on our decision in Labrador v. Liberty Mut. Group, 103 Hawai'i 206, 212, 81 P.2d 386, 392 (2003), that "an arbitration proceeding is not a 'suit'" for purposes of HRS § 431:10-242, we hold that the circuit court did not err in denying Cabalis attorneys' fees and costs. Therefore,

IT IS HEREBY ORDERED that the circuit court's order granting in part and denying in part Cabalis' motion to confirm arbitration award and for attorneys' fees, costs, and post-judgment interest filed on April 29, 2002 is affirmed.

DATED: Honolulu, Hawai'i, May 25, 2004.

On the briefs:

Phillip L. Carey (of
Ahmadia & Carey), for
claimant-appellant

Paul K. Hoshino,
for respondent-appellee